

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.99 OF 2005

The Director/Manager,

M/s.Phoenix Mills Limited. ...Petitioner.

Vs.

Vishwanath Mahipati Mahendrakar &Anr...Respondents.

.....

Mr.K.S.Bapat for the Petitioner.

Mr.B.C.Shah for the Respondents.

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CORAM : DR.D.Y.CHANDRACHUD, J.

March 21, 2005.

P.C. :

Learned Counsel are agreed that the present petition will be governed by the order dated 16th February 2005 passed by this Court in Writ Petition No.13 of 2005 (The Director, M/s.Phoenix Mills Ltd. vs. Kashiram Sama Jikamade) which in turn, followed the order of Mr.Justice F.I.Rebello, dated 20th October 2003 in Writ Petition No.2599 of 2004 (The Director, M/s.Phoenix Mills Limited vs. Chunilal Sudam Nishad). In the circumstances, this

petition shall stand disposed of in terms of the order dated 16th February 2005. The impugned order of the Fourth Labour Court dated 12th November 2003 in Application (IDA) No.125 of 1998 is quashed and set aside. The application is restored to the file of the Fourth Labour Court. In terms of the directions which were issued in the order dated 20th October 2004 in Writ Petition No.2599 of 2004, the Labour Court shall furnish an opportunity to the parties, if they so desire, to lead fresh evidence, apart from the evidence that has already come on the record. The Labour Court shall thereupon pass fresh orders in the light of the directions contained in the judgment and order of this Court dated 20th October 2004. The Labour Court is directed to dispose of the matter on remand, on or before 30th June 2005.

The Writ Petition is disposed of in the above terms.

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